

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 NSC-05 SP-02 L-03 ACDA-07

PRS-01 IO-13 INR-07 CIAE-00 PM-05 DODE-00 /071 W

-----101980 291843Z /45

R 291803Z AUG 77

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1004

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USBERLIN

USMISSION NATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14139

E.O. 11652: GDS

TAGS: PGOV, BQG

SUBJECT: FRG CONSIDERATION OF PROPOSAL FOR OBERLE TO
HEAD PROSECUTING TEAM IN LORENZ CASE

REFS: (A) BONN 13651

(B) BONN 13634

(C) BONN 13151

1. AT THE AUGUST 26 BONN GROUP MEETING, FRG REP
(VON BRAUNMUEHL) SAID THAT THE FRG HAS EXAMINED THE
PROPOSAL REGARDING OBERLE BUT DOES NOT YET HAVE AN
ANSWER. VON BRAUNMUEHL SAID, "PRIVATELY AND CONFIDEN-
TIAL," THAT MINISTER OF STATE WISCHNEWSKI IN THE
CHANCELLERY HAS DISCUSSED THE ALLIED VIEWS IN SEPARATE
CONVERSATIONS WITH MINISTER OF JUSTICE VOGEL AND WITH
VAN WELL. IN ORDER TO FORMALIZE THE CONSULTATIONS AND
PRESUMABLY BY PREARRANGEMENT BY VAN WELL WITH
WISCHNEWSKI, VAN WELL HAS WRITTEN WISCHNEWSKI TO REQUEST
THAT WISCHNEWSKI SEND A LETTER TO VOGEL. THE FOREIGN
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OFFICE GAVE WISCHNEWSKI A LIST OF THE ITEMS TO BE
INCLUDED AND, BASED ON THAT, WISCHNEWSKI'S AIDES HAVE
NOW DRAFTED A LETTER FOR HIS SIGNATURE. THE LETTER
INFORMS VOGEL OF THE ALLIED WISHES (THE FOUR UK POINTS)
AND NOTES THAT THE ALLIES HAVE BEEN INFORMED THERE ARE
PRACTICAL PROBLEMS WHICH WOULD RESULT FROM THE ASSIGN-
MENT OF OBERLE TO HEAD THE PROSECUTION. HOWEVER, THE

LETTER CONTINUES, WHILE THE ALLIES HAVE DROPPED OTHER DEMANDS, THEY CONTINUE TO INSIST ON PRACTICAL STEPS WHICH WILL BE PUBLICLY VISIBLE. WHILE THE DIFFICULTIES WHICH MIGHT FOLLOW FROM TAKING UNUSUAL STEPS CANNOT BE IGNORED, THE FRG MUST ADOPT A CONCILIATORY ATTITUDE ("ENTGEGEN KOMMEN") TOWARD THE ALLIED REQUESTS IN VIEW OF THEIR RIGHTS IN BERLIN. THE LETTER SAYS THAT TIGHT COORDINATION WITH THE ALLIES IS IMPORTANT AND THAT THIS WILL BRING COOPERATION WITH THE ALLIES.

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TO SECSTATE WASHDC 1005
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AMEMBASSY PARIS
USMISSION USBERLIN
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 14139

2. VON BRAUNMUEHL SAID THAT THE FOREIGN OFFICE UNDERSTANDS THERE IS RESISTANCE IN THE MINISTRY OF JUSTICE, AT THE DEPARTMENT (ABTEILUNG) LEVEL, TO APPOINTING OBERLE. MINISTRY OFFICIALS BELIEVE THEY HAVE GONE AS FAR AS THEY CAN TOWARD ACCOMMODATING ALLIED WISHES. VON SIEGFRIED, THE FOREIGN OFFICE'S REPRESENTATIVE IN BERLIN, REPORTED THAT HE TALKED WITH OBERLE AND OBERLE SAID HE WOULD NOT WANT TO ACT AS A "STRAW MAN". IF HE IS TO BE IN CHARGE OF THE TRIAL, HE WANTS TO BE FULLY IN CHARGE. VON BRAUNMUEHL NOTED THAT THIS UNDERSCORES THE INDEPENDENCE OF THE FEDERAL PROSECUTOR'S

OFFICE. FRENCH REP (RICHARD) REMINDED HIM OF MAIHOFER'S SPEECH (REF C) IN WHICH MAIHOFER STATED THAT THE FEDERAL PROSECUTOR IS SUBJECT ONLY TO THE CABINET. THE IMPORT OF RICHARD'S ALLUSION WAS THAT THE FRG CAN DIRECT OBERLE IF IT CHOOSES TO DO SO.

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3. IN RESPONSE TO RICHARD'S QUESTION, VON BRAUNMUEHL SAID THE MINISTRY OF JUSTICE HAD REPORTED, ON AN INFORMAL BASIS, THAT THERE IS NO LEGAL (AS OPPOSED TO PRACTICAL) OBSTACLE TO THE APPOINTMENT OF OBERLE.

4. RICHARD EXPRESSED GRATITUDE (AS DID THE OTHER BONN GROUP REPS) FOR THE FOREIGN OFFICE'S ASSISTANCE AND COOPERATION AND AGREED WITH THE REMARKS CONTAINED IN THE VAN WELL LETTER TO WISCHNEWSKI THAT THERE IS A NEED FOR CLOSE COOPERATION WITH THE ALLIES.
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Sent Date: 29-Aug-1977 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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